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6 IN THE UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA
8

9 United States of America,

No. 08-03199M

10 Plaintiff,

ORDER

11 v.

12 Gilberto Mendez-Cervantes
13

14 Defendant.
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16 THE COURT, having reviewed the Motion to Extend Indictment Deadline, and
17 good cause appearing,

18 IT IS ORDERED granting the motion and extending the time within which the
19 government may seek to indict defendant by thirty (30) days.

20 THE COURT makes the following findings:

- 21 1) Counsel for defendant has only recently been appointed;
22 2) The defendant earnestly wishes to consider the plea offer;
23 3) The defendant wishes to investigate possible defenses prior to
24 considering the plea offer;
25 4) The government's offer, if accepted by the defendant and then the court,
26 would likely reduce defendant's exposure to a significant prison term;
27 5) If the defendant does not timely accept the plea offer prior to indictment,
28 the government will withdraw the offer and any subsequent offer would likely be less
advantageous to the defendant;

1 6) Failure to extend the time for indictment would thus operate to bar
2 defendant from reviewing the offer in a meaningful way prior to indictment; and

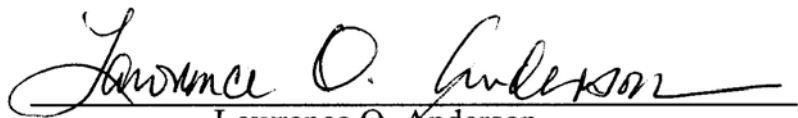
3 7) The ends of justice served by this extension outweigh the best interests of
4 the public and the defendant in a speedy indictment.

5 The Court therefore concludes that the ends of justice are best served by
6 granting an extension of time to present the case to the grand jury and in excluding a
7 period of thirty (30) days under the Speedy Trial Act. In making this determination,
8 the Court has particularly taken into account that the failure to grant the Defendant's
9 request "would deny counsel for the defendant... the reasonable time necessary for
10 effective preparation, taking into account the exercise of due diligence." 18 U.S.C.
11 §3161(h)(8)(B)(iv).

12 **IT IS ORDERED** that Defendant's Motion to Extend Time to Indict,
13 requesting an extension of thirty (30) days within which the government may seek to
14 indict defendant, is hereby granted.

15 **IT IS FURTHER ORDERED** that excludable time shall begin to run on
16 the 31st day after arrest for a period of thirty (30) days in which the Government may
17 present the case to the grand jury.

18 DATED this 11th day of June, 2008.

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21 Lawrence O. Anderson
22 United States Magistrate Judge
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